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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,658	01/08/2002	Bonnie S. Clark	P21506	8996

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,658

Applicant(s)

CLARK ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1 Claims 32-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner is unable to find support for Applicant's newly recited claim language appearing in dependent claims 32-35. Applicant's specification teaches away from the newly amended claim language. For example, figure 18 only shows "monthly" report and the only selection given to customer is only related to "hierarchy" verses billing period defined by the customer as recited in dependent claims 32 and 33. Similarly, newly added claims 34-35 are not supported in Applicant's specification. For example, figure 21 only shows summary information for Anheuser Busch with a couple of distribution centers. Applicant's specification is silent with respect to enabling representative of the customer to check out the hierarchy, let alone, on a read only basis appearing in independent claims 34-35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Driskell et al (U.S. 6,072,493 hereinafter Driskell) in view of Brandt et al (6,714,979 hereinafter Brandt)

Regarding claims 1, 4, 7, 16, 25 and 30, Driskell teaches system and method for associating services information with selected elements of an organization (abstract), comprising:

retrieving billing information from a billing repository (abstract, col. 3 lines 18-67, col. 16 lines 34-41, col. 20 lines 23-36);

processing the billing information in accordance with customer-defined format stored in a database, the customer-defined format comprising hierarchy (abstract, col. 1 lines 45-56, col. 3 lines 18-39, lines 49-67, col. 5 lines 33-62, col. 6 lines 17-37, lines

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52-55, lines 61-65, col. 7 lines 5-17, col. 8 lines 41-45, lines 54-55, col. 8 line 66 – col. 9 line 3, col. 9 lines 27-58, col. 10 lines 47-49, col. 11 lines 29-65, col. 12 lines 48-60, col. 13 lines 28-30, col. 16 lines 15-17, lines 62-65);

sending the processed billing information to an output operation where a bill is generated in accordance with the hierarchy (col. 1 lines 12-20, col. 1 line 65 – col. 2 line 7, col. 6 line 17 – col. 7 line 40, col. 8 line 46 – col. 9 line 67, col. 11 lines 4-65, col. 13 lines 28-30, col. 15 lines 15-28, col. 16 lines 8-65);

sending the bill to customer (col. 1 lines 12-20, col. 1 line 65 – col. 2 line 7, col. 6 line 17 – col. 7 line 40, col. 8 line 46 – col. 9 line 67, col. 11 lines 4-65, col. 13 lines 28-30, col. 15 lines 15-28, col. 16 lines 8-65).

According to Applicant, Driskell fails to show “server” and generally point to Driskell column 16 lines 34-41, column 9 lines 15-22 and column 19 lines 65-67 (see paper number 7, Amendment “A”, dated 3/2/2004, starting at the bottom of page 10 and continuing to at least page 11).

The Examiner notes that Applicant’s have missed read the teaching of Driskell. For example, Driskell column 8 lines 9-12 indeed reveal that the computer 100 (i.e. see Applicant’s argument, second to last line on page 10 “at client location”) may operate in a networked environment using logical connections to one or more remote computers, such as remote computer 136 (see figure 1) may be a “server”. Driskell in a column earlier (i.e. col. lines 29-40) reveals notoriously well-known components typically used in

conjunction with “server”. Driskell further uses the term “gateway” (see at least col. 32 line 53).

However, in order to advance prosecution, Brandt cites Driskell (see page three of references cited by Brandt) and uses server (see last four lines of abstract, figure 3, see “data mart” column 3) allowing for integration with a client and middle-tier service and application proxy components enabling customers to request, specify, customize, schedule and receive their telecommunications network call detail data and account information in the form of reports that are generated by various “back-end” application servers (col. 25 line 5 –col. 36 line 58). Brandt indeed allows report request to be made and controlled by user (col. 28 line 8 – col. 29 line 18).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Driskell to use server as taught by Brandt for the benefit integrating existing applications, as well as, providing various reports to customer when a request is made.

Regarding claims 2, 5, 10-12, and 19-21. Driskell teaches the hierarchy is organized according to corporate structure and/or geographical location of company units (see figures 3-7 and figures 9-10 wherein both corporate and geographical used in hierarchy, figure 15 also shows division, branch, department (i.e. corporate structure) affiliated with geographical location (i.e. western region or eastern region), figure 17

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clearly shows corporate structure (see the XYZ Corporation) associated with region, state, city and branch).

Regarding claims 3, 6, 8-9, 13-15, 17-18, 22-24, 26, 28-29 and 31. Driskell teaches the customer-defined format comprises customer-defined labels, passwords, etc., (see company name and description in figures 3-7 and figures 9-10, col. 16 lines 62-65, col. 28 line 62 – col. 34 line 67).

Regarding claim 27. Driskell also teaches displaying billing information from multiple telecommunications carriers, each having a distinct billing system, therefore not affecting upstream billing (col. 6 lines 28-37, col. 8 lines 39-45, lines 54-55, lines 66-67).

Regarding claims 32-33. Driskell teaches billing information presented to customer in accordance with a billing period defined by customer (see at least col. 28 line 63 – col. 29 line 6, col. 29 line 7 – col. 30 line 23, col. 32 lines 6-7, col. 33 lines 1-50, col. 34 lines 43-67. Brandt also allows for an "Interact" system (see at least column 17 line 6 – col. 18 line 6, col. 25 lines 5-63).

Regarding claims 34 and 35. Claims 34 and 35 do not contain any additional features, which, in combination with the features of claims 7 and 16 would lead to a novel subject matter. The Examiner notes that restricting access to data, as defined in claim 34 and 35, is an inherent measure to a person with minimum skill in the art. Furthermore, Driskell teaches modifying security access of users starting at the bottom of column 28.

Response to Arguments

2. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600